

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

CARYN DEVINS STRICKLAND,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil No. 1:20-cv-00066-WGY
)	
UNITED STATES, <i>et al.</i>,)	
)	
<i>Defendants.</i>)	

**DECLARATION OF PLAINTIFF’S COUNSEL IN SUPPORT OF
PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION**

I, Cooper Strickland, hereby declare and state as follows:

1. I am counsel for Plaintiff in this matter. I am licensed to practice law in North Carolina. I make this declaration of my own personal knowledge, and if called as a witness could and would testify competently to the matters stated herein.

2. On October 2, 2020, Defendants filed their opposition to Plaintiff’s motion for summary judgment. After beginning my initial review of Defendants’ filing, I discovered that Defendants revealed the identity of my client, in violation of the pseudonym ordered by the Court on May 11, 2020. At a minimum, my client’s name appeared on at least three occasions in the Declaration of William Moormann. In one instance, her first name appeared unredacted. In two other

instances, her name was not properly redacted, resulting in the disclosure of my client's full legal name through a simple keyword search of the document.

Similarly, my client's name was not properly redacted on at least three occasions in the Declaration of Anthony Martinez.

3. Further review of Defendants' filings caused me further concern regarding the disclosure of gratuitous personal information that appeared to serve no purpose other than to reveal my client's identity. For example, the declarations of Mr. Moormann and Mr. Martinez contained repeated references to my client's home being located in "Tryon," and included her "Health Benefits Election Form" to reference a redacted mailing address located in "an unincorporated town approximately 1-2 miles away from Tryon, North Carolina." Not only was my client's health benefits information form personally sensitive, but the information on the form could be used to reveal my client's identity through a bar directory search. Nor was it clear how disclosing these additional personal details advanced the defendants' argument regarding her proximity to her duty station.

4. As another example, in the declaration of John Parke Davis, he included four of her wedding photos. These photos were shared with her family, friends, and prior co-workers, including at the Federal Defender Office, and, at a minimum, would likely be recognizable by those individuals. It was also not clear

how the actual content of those images supported the defendants' argument that wedding photos were shared.

5. A true and correct copy of my correspondence with Defendants' counsel regarding Defendants' violations of the pseudonym order is attached as Exhibit A hereto. As noted in the correspondence, I provided these examples based on my initial review of defendants' lengthy filings and did not mean to suggest that these were the only possible identifying disclosures.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 27th day of July, 2022 at Lynn, North Carolina.

/s/ Cooper Strickland
Cooper Strickland

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Joshua M. Kolsky at Joshua.Kolsky@usdoj.gov

Rachael Westmoreland at Rachael.Westmoreland@usdoj.gov

/s/ Cooper Strickland
Cooper Strickland
N.C. Bar No. 43242
P.O. Box 92
Lynn, NC 28750
Tel. (828) 817-3703
cooper.strickland@gmail.com

EXHIBIT A

Cooper Strickland
Attorney at Law
Post Office Box 92
Lynn, North Carolina 28750

October 3, 2020

[Via Electronic Transmission: Gill.Beck@usdoj.gov, Joshua.kolsky@usdoj.gov]

Gill P. Beck
Assistant United States Attorney
Room 233, U.S. Courthouse
100 Otis Street
Asheville, North Carolina 28801

Joshua M. Kolsky
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005

RE: Disclosure of Pseudonym (1:20-cv-00066-WGY)

Dear Mr. Kolsky and Mr. Beck:

After beginning my initial review of your clients' summary judgment filings, ECF No. 78, I discovered that your clients have revealed the identity of my client,¹ in violation of the pseudonym ordered by the Court on May 11, 2020. At a minimum, my client's name appears on at least three occasions in the "Declaration of William Moorman" ("Moorman Declaration"). ECF No. 78-1. In one instance, her first name appears unredacted. *Id.* at 61. In two other instances, her name was not properly redacted, *id.* at 67 & 71, resulting in the disclosure of my client's full legal name through a simple keyword search of the document, *id.* at 67 (see attachment). Similarly, my client's name was not properly redacted on at least three occasions in the "Declaration of Anthony Martinez." *See* ECF No. 78-3, at 32 (see attachment) & 40–41.

I am reaching out to you both initially to provide you with the opportunity to address this matter.

Respectfully,

/s/ Cooper Strickland
Cooper Strickland

Attachments

¹ Absent notices of appearance, *see* LCvR 83.1(e), it is my assumption that you each represent the entity and official capacity defendants. If this assumption is incorrect, please correct me so that I may direct my communications regarding these issues to the correct attorney.

Search Results

Summary

Searched for : **caryn**

In document : **C:\Users\18023\Desktop\moormann decl.pdf**

Results : **1** document(s) with **3** instance(s)

Saved on : **10/3/2020 12:26:50 PM**

File : [moormann decl.pdf](#)

Title : Moorman Declaration FINAL.pdf

Subject :

Author : dgaddy

Keywords :


Page: 61

 R&W position. **Caryn** has been preforming these tasks from the first day of

Page: 67

 Requesting Office Strickland,**Caryn** Ann Devins 470202 Should be Set at AD level 28

Page: 71

 Mary Ellen's teams. **Caryn** will be assigned to Peter and JP's teams. We are

Best regards,

Caryn

Caryn Devins ■
Research & Writing Attorney
Federal Public Defender for the Western District of North Carolina
129 West Trade Street, Suite 300
Charlotte, North Carolina 28202
Main - 704-374-0720
Fax - 704-374-0722

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Cooper Strickland
Attorney at Law
Post Office Box 92
Lynn, North Carolina 28750

October 5, 2020

[Via Electronic Transmission: Gill.Beck@usdoj.gov, Joshua.kolsky@usdoj.gov]

Gill P. Beck
Assistant United States Attorney
Room 233, U.S. Courthouse
100 Otis Street
Asheville, North Carolina 28801

Joshua M. Kolsky
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005

RE: Disclosure of Pseudonym (1:20-cv-00066-WGY)

Dear Mr. Beck and Mr. Kolsky:

As I stated in my letter dated October 3, 2020, I discovered that my client's name appears in the declarations of William Moorman and Anthony Martinez. Based on your email exchanges with members of the Clerk's office, it is my understanding that you intend to file properly redacted declarations. Further review of the defendants' filings, however, causes me further concern regarding the disclosure of gratuitous personal information that appears to serve no purpose other than to reveal my client's identity.

For example,¹ the declarations of Mr. Moorman and Mr. Martinez contain repeated references to my client's home being located in "Tryon," *see, e.g.*, ECF No. 78-1, at 8; ECF No. 78-3, at 6, and includes her "*Health Benefits Election Form*" to reference a redacted mailing address located in "an unincorporated town approximately 1-2 miles away from Tryon, North Carolina," *see* ECF No. 78-1, at 8, 95. Not only is this information personally sensitive, but it can be used to reveal my client's identity through a bar directory search (see attachment). Nor is it clear how disclosing these additional personal details advances the defendants' argument regarding her proximity to her duty station. ECF No. 78, at 8, 16.

As another example, in the declaration of John Parke Davis, he includes four of her wedding photos. ECF No. 78-2, at 16–18. These photos were shared with her family, friends, and prior co-workers, including at the Federal Defender Office, and, at a minimum, would likely be recognizable by those individuals. It is also not clear how the actual content of those images supports the defendants' argument that wedding photos were shared. ECF No. 78, at 7.

¹ I am providing these examples based on my initial review of defendants' lengthy filings. I am not suggesting that these are the only possible identifying disclosures.

Prior to refiling, I encourage the defendants to seek clarification from the Court if they have any question regarding the scope or purpose of the pseudonym order. *See United States v. Philip Morris USA, Inc.*, 793 F. Supp. 2d 164, 168 (D.D.C. 2011) (“The general purpose of a motion for clarification is to explain or clarify something ambiguous or vague, not to alter or amend.”).

Respectfully,

/s/ Cooper Strickland
Cooper Strickland

Attachment

MEMBER DIRECTORY

SEARCH RESULTS

[Revise Search](#)

	Bar ID	Name	Status	Judcial District
VIEW	54153	Ms. Caryn Ann Devins Strickland	Active	42 Henderson, Polk, Transylvania
VIEW	43242	Mr. Cooper J. Strickland	Active	42 Henderson, Polk, Transylvania